

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

14 WRIT PETITION NO. 9255 OF 2013
WITH CA/5375/2014 IN WP/9255/2013

ANANDA KONDIBA SONTAKKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Devakate Anant R
Mr. SG Karlekar, AGP for Respondents 1, 2 & 5;
Mr. Tope Sambhaji S., Adv. For R/3 & 4.

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 24th JUNE, 2015.

PER COURT :

1) Heard. The petitioner is praying for issuance of directions to the respondents to take steps for removal of the encroachments over Gairan land bearing Gut No. 181, admeasuring 8 hectares and 36 R., situated at Perjapur, Tq. Bhokardan, District Jalna.

2) The petitioner contends that number of persons have committed encroachments over the Government Gairan property and in spite of

tendering several applications/representations to the Village Panchayat; Block Development Officer and Chief Executive Officer, no positive steps have been taken for removal of the illegal encroachments.

3) The claim of the petitioner is opposed on behalf of the Respondent No.6 - Village Panchayat by presenting an affidavit in reply, wherein it is contended that the present petitioner is Ex-Sarpanch of the village and since he has made application to the Collector and other authorities for securing eviction of the encroachers over the Government Gairan land. It is further stated that most of the persons, who made encroachment over the Government Gairan land, are poor farmers, agricultural labours belong to SC, OBC and backward community and are residing there since last more than 30 years. The Village Panchayat has recently tendered proposal to Collector for regularization of the encroachments made by such of these persons over

the Government land. In this view of the matter, the directions, as prayed for by the petitioner, need not be issued. However, it would be open for the Collector to consider the proposal so tendered by the village Panchayat, seeking regularization of the occupation of the villagers over the Gairan land and the Collector shall take appropriate decision in accordance with the Government Resolution dated 12th July, 2011 and the decision of the Hon'ble Supreme Court in the matter of – Jagpal Singh and Ors. Vs. State of Punjab & Ors. - 2011 AIR (SC) 1123, as expeditiously as possible, and preferably within a period of six months from today.

4) With the directions, as above, the writ petition is disposed of. In the event the Collector refuses to regularize the encroachments, Respondent No.6 - Village Panchayat shall take appropriate steps to remove the encroachment within six months from such decision.

5) In view of the above, pending civil application does not survive and the same stands disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/